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**From:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**Sent:** 8/10/2020 8:18:05 PM  
**To:** Siegal, Tod [Siegal.Tod@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]  
**CC:** Marshall, Tom [marshall.tom@epa.gov]  
**Subject:** RE: FL assumption- NHPA

Thanks Tod for the quick reply. Very helpful. On the delegation for the undertaking, Region 4 delegation 2-43 currently delegates state 404 program approval to the Director of the Water Management Division, which is now the Water Division. So theoretically Jeaneanne Gettle could serve as the 106 Agency Official. I think the current plan is for the RA to sign all 404 assumption-related documentation, including ESA and NHPA consultation documents, but it's good to know that Jeaneanne or even a lower ranking manager may be able to handle the day-to-day NHPA 106 consultation work.

Thanks again,

Matt

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**From:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Sent:** Monday, August 10, 2020 11:22 AM  
**To:** Hicks, Matt <Hicks.Matthew@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Cc:** Marshall, Tom <marshall.tom@epa.gov>  
**Subject:** RE: FL assumption- NHPA

Matt

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

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**From:** Hicks, Matt <Hicks.Matthew@epa.gov>

**Sent:** Friday, August 07, 2020 6:40 PM

**To:** Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

**Subject:** FL assumption- NHPA

Tod, Simma, and Alexis,

I participated on a call today between Jeaneanne, Tom, Mindy, and John Goodin.

**Ex. 5 AC/DP**

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OW plans to raise this issue on next week's FL

assumption call with Dave Ross.

On a separate but related topic, I couldn't find any EPA delegations (Region 4 or HQs) that spelled out who is delegated authority to perform ESA or NHPA consultations on behalf of EPA. We're in the process of finalizing the various letters, correspondences, and notices that will go out once we receive FL's 404 assumption package and we want to make sure we have the correct signatories for the ESA letter submitting the BE to FWS and the various NHPA correspondences. Please let me know if you have any thoughts on who can sign the letters.

Thanks,

Matt